Where, however, the *lex loci contractus* provides that no action shall lie on certain contracts, while there is no such limitation by the *lex fori,* there is no reason why the contract should not be enforced by the courts of the forum. *Hall* v. *Cordell,* 142 U. S. 116. See *Downer* v. *Chesebrough,* 36 Conn. 39, 4 Am. Rep. 29. But the question which probably gives most trouble is the one involved in the instant case, that is, where the contract is valid and enforceable under the *lex loci contractus* but unenforceable under the *lex fori.* Some courts hold the contract to be unenforceable in the forum, on the ground that the question is one of remedy, and to be governed by the *lex fori. Leroux* v. *Brown, supra.* However, the better view seems to be that such contracts are enforceable in the forum, on the ground that the laws of the state, where the contract was made, enter into and form a part of the contract, and should be enforced by the forum as a part of the obligation of the contract, under the doctrine of comity. *Miller* v. *Wilson,* 146 Ill. 523, 34 N. E. 1111, 37 Am. St. Rep. 186. See *Baxter National Bank* v. *Talbot,* 154 Mass. 213, 28 N. E. 163; *Cochran* v. *Ward,* 5 Ind. App. 89, 51 Am. St. Rep. 229; MINOR, CONFLICT OF LAWS, § 210.

CONSTITUTIONAL LAW—DUE PROCESS—RIGHT OF STATE TO PROHIBIT EMPLOYMENT AGENCIES.—The plaintiffs were proprietors of private employment agencies and were engaged in securing employment for parties who paid fees therefor. The people of the state of Washington passed an initiative measure, declaring that it should be unlawful for any employment agent or his representative to take a fee from any person seeking employment, or for furnishing him employment or information leading thereto. The plaintiffs asserted that the above law deprived them of property without due process of law. *Held,* the statute is unconstitutional and void. *Adams* v. *Tanner,* 37 Sup. Ct. 662.

The right of a state under its police power to regulate and totally prohibit businesses, when such regulations or prohibitions are for the good of the general health, morals or welfare, is unquestioned. But to constitute due process of law, the law must be a reasonable exercise of the police power and not an arbitrary infringement on private rights and property. *Booth* v. *Illinois,* 184 U. S. 425; *Allgeyer* v. *Louisiana,* 165 U. S. 578. In *Powell* v. *Pennsylvania,* 127 U. S. 678, the Supreme Court held that any business which in its operation would naturally tend to defraud the public, although not harmful *per se* was a proper subject for legislative regulation or prohibition. And this case has met with the approval of the courts generally.

In *Rast* v. *Van Deman & Lewis Co.,* 240 U. S. 342, and another leading stamp case, legislation prohibiting the use of trading stamps was held valid under the police power. Here the element of chance and gambling was prominent in the minds of the court, although it did not definitely state that as its ground for decision. In *Powell* v. *Pennsylvania, supra,* the business legislated against was the manufacture of oleomargerine, which, being an imitation, would tend to defraud the public. But the instant case seems distinguishable from these, because an employment agency, if carried on by honest men, cannot be considered as a fraud

on the public nor condemned as contrary to good morals because involving an element of chance.

But there has been some legislation permitted in connection with employment agencies because of the tendency to defraud where carried on by dishonest men. Here, however, they are subject only to reasonable legislative regulation by imposing conditions and licenses on them. *Brazee* v. *Michigan,* 241 U. S. 340; *People* v. *Worden,* 183 N. Y. 223, 76 N. E. 11, 2 L. R. A. (N. S.) 859.

But a regulation limiting the charge which an employment agency may make to ten per cent of the first month's wage of the applicant was held unconstitutional. *Ex parte Deckey,* 114 Cal. 234, 77 Pac. 924, 66 L. R. A. 928, 103 Am. St. Rep. 82. In *Brazee* v. *Michigan, supra,* the statute contained this same condition but the court did not consider it. And a city ordinance, defining the common law crime of fraud and providing a penalty only in case it was committed by an employment agency was held void. *Spokane* v. *Macho,* 51 Wash. 322, 98 Pac. 755, 21 L. R. A. (N. S.) 263. A Georgia statute imposing a license on immigration agents was upheld by the United States Supreme Court. But this was more of a question of interstate commerce than the regulation of employment agencies. *Williams* v. *Fears,* 179 U. S. 270. In *Price* v. *People,* 93 Ill. 114, 25 L. R. A. 588, a statute imposing a license tax was held valid. But in a later decision was declared void because it prevented the laborers who obtained employment through the agency, from working for other employers in case of strikes. *Mathews* v. *People,* 202 Ill. 389, 63 L. R. A. 73.

CONSTITUTIONAL LAW—PROCESS—CONSTITUTIONAL PROVISION THAT ALL WRITS AND PROCESS SHALL RUN IN THE NAME OF THE STATE CONSTRUED DIRECTORY.—Sec. 38, Art. 6 of the Constitution of Missouri provides that "All writs and process shall run * * * in the name of the state of Missouri." An order of publication commenced as follows: "Order of Publication, State of Missouri, County of Sullivan—ss.: In the Circuit Court * * *." *Held,* the constitutional provision as to writs and process is directory, and the order of publication is sufficient. *Creason* v. *Yardly* (Mo.), 197 S. W. 830.

At common law all writs ran in the name of the sovereign, because judicial process is but the command of the sovereign, by whose authority the tribunal out of which it issues was established, to the person or officer to whom it is directed to do certain acts specified therein. Probably for this reason the various States of the Union have, in general, provided in their constitutions that all writs and process shall run in the name of the state. But as to the effect of such constitutional provisions the courts are divided. On the one hand, it is held that since the constitution has spoken on the question, it must be literally complied with, without hesitation or inquiry into the question whether, abstractly speaking, the thing required is essential or not. *Yeager* v. *Groves,* 78 Ky. 278; *Wallahan* v. *Ingersoll,* 117 Ill. 123, 7 N. E. 519. And a writ, whose caption read, "State of West Virginia, Kanawha County, ss.: To A. B., Constable," was held not to run in the name of the State of West Virginia, because the name of the county having been inserted,